

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK X

SERGIO PAVON,

Plaintiff,

-against-

**PLAINTIFF'S
NOTICE OF CROSS-
MOTION TO REMAND**

**METROPOLITAN LIFE INSURANCE CO., INC.,
And NOVARTIS CORP.,**

Case No. 08 CV 1272(PAC)

Defendants. X


TO: Allan Michael Marcus
Lester, Schwab, Katz and Dwyer LLP
120 Broadway
New York, NY 10271
(212) 964-6611

SIRS:

PLEASE TAKE NOTICE that Upon the Affirmation of ROBERT FELDMAN, Esq., as attorney for the plaintiff, SERGIO PAVON, dated May 19, 2008, and the Exhibit(s) attached thereto and accompanying Plaintiff's Memorandum of Law, dated May 19, 2008, the undersigned, attorneys for Plaintiff, SERGIO PAVON, will cross-move this Court before the Honorable Paul A Crotty, U.S.D.J. at the United States District Court for the Southern District of New York located at 500 Pearl Street, New York, New York 10007 on June 24, 2008, for an Order that the Court sustains the plaintiff's state law claims, the plaintiff requests the Court to remand the plaintiff's causes of action back to state court, to wit, the Supreme Court of the State of New York, County of New York, forthwith, and plaintiff requests such other relief as is just, proper and equitable in the premises.

Dated: New York, New York
May 19, 2008

ROBERT FELDMAN, ESQ.

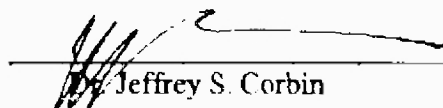

BY: ROBERT FELDMAN ESQ. (RF-0810)
Attorneys for Plaintiff
375 South End Avenue, Ste. 8F
New York, New York 10118
(917) 657-5177

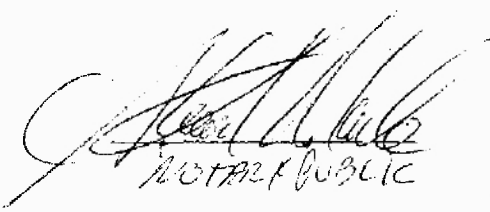
E X H I B I T “1”

AFFIDAVIT

- 1) I am the treating psychiatrist for Sergio Pavon.
- 2) In December, 2007 I did not receive any communication whatever from MetLife regarding Sergio Pavon.
- 3) I am informed that Sergio Pavon's LTD benefits and medical coverage under Claim Number 630404216563, Group Number 302654 were terminated on about January 11, 2008.
- 3) Sergio Pavon is unable to work due to his continuing mental disability.
- 4) I am informed that on or about January 12, 2008, Dr. Patrick Dalton increased Mr. Pavon's hypertension medication, due to the patient's increased anxiety and stress.
- 5) Within a reasonable degree of ^{Psychiatric J.C.} medical certainty, I can state and am ready to testify that the patient's anxiety and severe emotional distress during this period were caused by the wrongful termination of his LTD benefits and medical coverage. *P.C.*

Sworn to and subscribed by me this ^{7th} day of February, 2008


Jeffrey S. Corbin

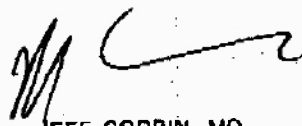

NOTARY PUBLIC

STUART A. NADEL
NOTARY PUBLIC STATE OF NEW YORK
Lic No. 02 MAY 98 91149
QUALIFIED in KINGS COUNTY
COMMISSION EXPIRES: 1/3/2010

Sergio Pavon
270 West 17th Street
Apt. #11A
New York NY 10011
Home: (646)638-2709
Business:
Home Fax:

2/6/2008 - 90805-p

I met with Sergio today. He clearly appears to be in worse condition then previously. He reports that he has been feeling this way since Jan. when his disability was questioned and eventually cancelled. His anxiety had increased and he describes panic attacks that required an increased use of Valium. Today he presents distant, with a poverty of speech, and blunted affect that were not present before. He is going to continue with his current regimen and use extra Valium if needed. Follow up in 2-3 weeks.



JEFF CORBIN, MD
148 W 24TH STREET SUITE 4A
NEW YORK, NY 10011

PATRICK DALTON, M.D.

INTERNAL MEDICINE

99 UNIVERSITY PLACE

3RD FLOOR

NEW YORK, NY 10003

TELEPHONE: (212) 673-1000

FAX: (212) 673-0408

2/7/08

To whom it concerns,

Sergio Paron was seen
in my office 1/18/08 & because
of an elevation in his BP, I
doubled his meds. I am
also understand patient has
been under increased stress
since having his disability
cancelled about 1 week
prior.

Sincerely
Pat Dalton MD